

**REMARKS****Summary of the Office Action**

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimazu et al. (U.S. Patent No. 4,611,143) (hereinafter "Shimazu") in view of Derra et al. (WO/2004/051698) (hereinafter "Derra").

Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimazu in view of Miyashita et al. (U.S. Patent No. 4,622,485) (hereinafter "Miyashita").

**Summary of the Response to the Office Action**

Applicants have amended independent claim 1 and dependent claims 2-5 and 7, and also added new claims 9 and 10, to differently describe embodiments of the disclosure of the instant application. Accordingly claims 1-10 are currently pending for consideration.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1-7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimazu in view of Derra. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimazu in view of Miyashita. Applicants have amended independent claim 1 and dependent claims 2-5 and 7 to differently describe embodiments of the disclosure of the instant application. To the extent that these rejections might be deemed to still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

Independent claim 1 of the instant application has been newly-amended to describe an advantageous combination of features of a gas discharge tube that includes features so as to prevent, as a configuration of the anode opening, the configuration constituted by a plurality of

opening regions and to make clear that the claimed gas discharge tube is of a see-through type that is capable of passing through another light source from the rearward direction. In addition, Applicants have added a new dependent claim 9, which is supported, for example, by the embodiment shown in Fig. 14. Also, Applicants have added a new dependent claim 10, which substantially corresponds to claim 3, in which the shape of the single opening portion of the anode is defined by using the description of the stem pin.

In the Office Action, Examiner asserted that “Derra teaches a gas discharge tube (title) with an anode opening portion (4) having a non-circular shape ... (stripes or checkerboard) ... to provide a common point of intersection lying on the axis of symmetry of the anode opening.” However, Applicants respectfully submit that this understanding is clearly technically incorrect because the shape of the anode opening portion (4) is free from the formation of the common point of intersection (S).

Applicants respectfully submit that, in the gas discharge tube of Derra, the cathode openings (3, 3', 3'') are arranged so that those longitudinal directions have a common point of intersection (S) lying on the axis of symmetry (6) of the anode opening (4). Also, an arc ball as a light source occurs at the common point of the intersection (S) (namely, near the opening portion (4) of the anode (1)). Accordingly, Applicants respectfully submit that it is clear that Derra does not teach, or even suggest, the shape of the opening portion (4) itself. Applicants note that, by most definitions, the opening portion (4) of the anode (1) is in the shape of a circle because an arc ball occurs as a light source near the opening portion (4). Applicants respectfully submit that, in the case of the advantageous combination of features of independent claim 1, an arc ball as a light source occurs at the opposite side of the anode section with respect to the discharge path restricting section.

In addition, Applicants respectfully submit that while Derra teaches the wording “stripes or a checkerboard,” it is clear that such a shape does not refer to the shape of the opening portion (4). More particularly, Applicants respectfully submit that Derra clearly teaches “the opening portion (4) may be constructed as a grid whose open regions” and “these opening regions, constructing the opening portion (4), are in the form of stripes or a checkerboard.” Accordingly, Applicants respectfully submit that it is clear that the shape of the opening portion (4) of the anode (1) is free from those of the open regions constructing one opening portion (4).

Furthermore, Applicants respectfully submit that both the gas discharge tube of Shimazu and the claimed gas discharge tube are of the see-through type, and therefore cannot employ such a configuration that taught by Derra because the portions between opening regions provide a light-shielding feature. In other words, Applicants respectfully submit that the anode opening configuration of Derra cannot be applied to the gas discharge tube of Shimazu for at least the foregoing reasons.

However, even assuming, strictly arguendo, that the anode opening configuration of Derra was applied to the gas discharge tube of Shimazu, Applicants respectfully submit that the amount of light passing through the anode opening, constructing a plurality of opening regions, is certainly reduced by the light-shielding portions that exist within the anode opening portion.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Shimazu and Derra, whether taken separately or combined, do not teach or suggest each feature of independent claim 1 of the instant application, as newly-amended. As pointed out by MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).” Since the prior art does not disclose or suggest any of the

combinations recited in Applicants' claims, and if anything appears to teach away from the current claim recitations, KSR Int'l Co. v. Teleflex Inc., 127 S.Ct. 1727 (2007), Applicants submit that such recited combinations would not have been obvious in view of the applied references of record, whether taken alone or combined in the manner suggested by the Examiner in the Office Action.

Furthermore, Applicants respectfully assert that the dependent claims, including newly added dependent claims 9 and 10, are allowable at least because of their dependence from independent claim 1 and the reasons discussed previously. In addition, with regard to the rejection of dependent claim 8, Applicants respectfully submit that the additionally-applied reference to Miyashita does not cure the deficiencies of Shimazu. To the extent that the rejection of claim 8 might be maintained, the Examiner is respectfully requested to provide clarification in the next Office Communication of why Derra is not applied in the rejection of claim 8 as it is with regard to independent claim 1.

### **CONCLUSION**

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

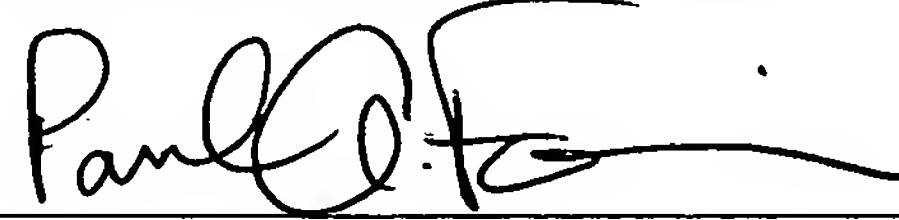
This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: December 18, 2008

By:



Paul A. Fournier

Reg. No. 41,023

**Customer No. 055694**

**DRINKER BIDDLE & REATH LLP**

1500 K Street, N.W., Suite 1100

Washington, DC 20005-1209

Tel.: (202) 842-8800

Fax: (202) 842-8465